UNITED
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Security Council

Distr.
GENERAL

S/25532
5 April 1993

ORIGINAL: ENGLISH

LETTER DATED 2 APRIL 1993 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Part B, paragraphs 5 and 6 of Security Council resolution 814 of 26 March 1993, which reads as follows:

"Acting under Chapter VII of the Charter of the United Nations,

5. Decides to expand the size of the UNOSOM force and its mandate in accordance with the recommendations contained in paragraphs 56-88 of the report of the Secretary-General of 3 March 1992, and the provisions of this resolution;

6. Authorizes the mandate for the expanded UNOSOM (UNOSOM II) for an initial period through 31 October 1993, unless previously renewed by the Security Council;"

In order to give effect to the above provisions of this resolution, I have undertaken consultations with a number of Governments which had signified to me their readiness to participate in the expanded UNOSOM II force. On the basis of these consultations, I am now in a position to recommend to the Security Council that it grant approval to the following list of troop-contributing Governments for UNOSOM II. The list reads as follows: Argentina, Australia, Bangladesh, Belgium, Botswana, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Ireland, Italy, Jordan, Malaysia, Morocco, New Zealand, Nigeria, Norway, Pakistan, Republic of Korea, Romania, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Emirates, United States of America and Zimbabwe.

(Signed) Boutros BOUTROS-GHALI

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Security Council

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GENERAL

S/25533
5 April 1993

ORIGINAL: ENGLISH

LETTER DATED 5 APRIL 1993 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 2 April 1993 (S/25532) concerning the composition of the United Nations Operation in Somalia (UNOSOM) has been brought to the attention of the members of the Council. They agree with the proposal contained in your letter.

(Signed) Jamsheed K. A. MARKER
President of the Security Council

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Security Council

Distr.
GENERAL

S/25534
6 April 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to notify you of violations committed by the Kuwaiti side between 29 January and 23 March 1993 of the terms of the cease-fire under Security Council resolution 687 (1991) and the report of the Secretary-General setting forth the mandate of the United Nations Iraq-Kuwait Observation Mission and the instructions for the implementation of the demilitarized zone.

1. At 1600 hours on 29 January 1993, individuals at the Kuwaiti Abdali post opened fire in the direction of the farm of the Iraqi national Tabinah Abd al-Nabi located at Safwan. Mr. Abd al-Nabi's horse was shot and killed.

2. At 0900 hours on 19 February 1993, a Kuwaiti patrol accompanied by a white GMC pick-up truck abducted the Iraqi farmers Majid Hasan Nasir and Ali Yusuf Aziz while they were working in their field at coordinates 6031.

3. At 1730 hours on 20 February 1993, a Kuwaiti patrol consisting of four persons armed with GC rifles abducted lance-corporals Mahdi Hadi Matrud and Husayn Abd Sabri in the area between the Jirishan post at coordinates 047137 and the Atshanah post at coordinates 985025 and took them into Kuwaiti territory.

4. At 1700 hours on 5 March 1993, individuals from the Kuwaiti Abdali post at coordinates 612320 fired three rounds towards the field of the Iraqi national Khidr Abbas at coordinates 630345 while he was ploughing his land.

5. At 1330 hours on 18 March 1993, the Kuwaiti side opened fire in a random manner on the Iraqi fields from the Kuwaiti Mazari' post at coordinates 649303.

6. At 1610 hours on 23 March 1993, a Kuwaiti vehicle was observed inside Iraqi territory opposite the Umm Qasr post at coordinates 775265. At 0620 hours, it withdrew to the Kuwaiti rear.

I should be grateful if you would have this letter circulated as a Security Council document.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Security Council

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GENERAL

S/25535
6 April 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith an information bulletin on the measures taken by Iraq during the month of March 1993 in implementation of the requirements of resolution 687 (1991).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Information bulletin on the measures taken by Iraq in implementation of Security Council resolution 687 (1991) during the month of March 1993

I. INSPECTION TEAMS

1. Chemical Destruction Group (UNSCOM 38)

The Chemical Destruction Group that has been in the country since 18 June 1992 continued its work at the Muthanna Establishment. The team is supervising the destruction of chemical weapons and ordnance at this site, which is being carried out by the Iraqi side.

2. Interim missile monitoring team (UNSCOM 48)

The UNSCOM 48 ongoing monitoring team arrived in the country on 25 January 1993, and its mission focuses on interim monitoring at Iraqi industrial establishments. The work of the team lasted from the end of January to the end of March. During March, the members of the team made daily visits to the Ibn al-Haytham Research and Design Centre and the Rafah site, and the team completed its work and left the country on 24 March.

3. Eighteenth nuclear inspection team (UNSCOM 52)

The team arrived in the country on 3 March 1993, and it consists of 24 inspectors led by Mr. Demetrius Perricos. Between 4 and 10 March, the team visited 28 sites in various parts of the country. They are: Tuwaitha; Salah al-Din Establishment; the State Establishment for Heavy Engineering Equipment at Dawrah; Musayyib Thermal Power Station; the Faculty of Science at Saddam University; Ninawa Governorate (Badush Dam, Al-Kindi Establishment and Jabir Establishment); Nasr Establishment; the stores of the Military Industrial Corporation at Taji; Ibn al-Haytham Centre; Badr State Establishment; the Tarmiyah site; the Sharqat site; Hattin Establishment; the State Vehicle Establishment at Iskandariyah; Amir factory; the Rafah site; Dhu al-Fiqar factory; Jazirah factory; the lead foundry belonging to the State Establishment for the Battery Industry; stores at the Khan Dari railway station; and the Abu Dulaf, Abbasiyah and Mahzam areas, and an area near the city of Beiji, all in the Salah al-Din Governorate.

Ten of these visits were unannounced and made without prior notification. The inspection schedules included all parts of the sites visited, and extended to civilian shelters, entry into the air ducts of heating and cooling systems, the taking of samples from water tanks and of soil samples, the inspection of drain-water conduits and entry through manholes to inspect drains from the inside.

During this visit, the team held three meetings with the Iraqi side in the course of which it raised many questions and inquiries to which the Iraqi side responded. The Chief Inspector of the inspection team and the Chief of the IAEA Action Team also addressed five letters to the Iraqi side, concerning the list

of suppliers, the removal of spent nuclear fuel and the uses of certain materials and items of equipment and machinery, and the Iraqi side responded to all of them.

The team left the country on Thursday, 11 March 1993. Before its departure, Chief Inspector Perricos stated that his team had found nothing prohibited under the United Nations resolutions at the 28 sites it had visited, which included sites that had been visited for the first time.

4. Joint inspection team (UNSCOM 53)

The joint UNSCOM 53 inspection team arrived in the country on 11 March 1993. It consisted of 18 inspectors led by the United States national David Franz, and the members of the team were specialists in the biological, chemical, missile and computer fields.

The team adopted the procedure of visiting sites after giving notification a short time in advance of proceeding there. The team visited the following sites: Muthanna Establishment; the Division of Agriculture and Biology of the Iraqi Atomic Energy Commission; Salah al-Din Establishment; the Salam factory at Salman Pak; Al-Kindi Company; and the Hakam factory. In addition, on 14 March 1993 the team made an unannounced visit to the Faculty of Veterinary Medicine at Baghdad University.

In all of these visits, the team found nothing to contradict the Iraqi declarations. The team left the country on 18 March 1993. After his arrival in Bahrain, the Chief Inspector stated that the mission of the team had been carried out in complete safety, that it had encountered no difficulties and that the Iraqi side had answered most of the questions raised by the team.

5. Special Commission delegation of chemical experts

On 14 March 1993 a delegation of chemical experts from the Special Commission arrived in the country led by the British national Ronald Manley. The delegation consisted of nine chemical experts. The objective of its visit was to monitor the destruction of chemical materials and ordnance at the Muthanna site and to ascertain the effectiveness of the work being carried out by the Iraqi side at the site under the supervision of the UNSCOM 38 Chemical Destruction Group. In addition to its daily visits to the Muthanna site, the delegation met on 17 March 1993 with the Director of the Military Industrial Corporation. At that meeting, the leader of the delegation expressed admiration and esteem for the efforts being made by the Iraqi side to facilitate the task of the UNSCOM 38 Chemical Destruction Group at the Muthanna site.

The delegation left the country on 20 March 1993.

6. Special Commission helicopter unit

During March 1993, the unit carried out the tasks assigned to it with the cooperation and facilitation of the Iraqi side. The unit carried out 20 flights for the purpose of carrying inspection teams to and from the sites to be inspected. The Aerial Inspection Team also carried out 13 flights in which it surveyed, photographed and inspected 25 sites.

7. Second interim monitoring team (UNSCOM 54)

The second interim monitoring team in the missile field, UNSCOM 54, arrived in the country on Saturday, 27 March 1993. The team consists of two groups. The first group comprises members of the staff of the Office of the Special Commission; a Russian national, Nikita Smidovich, and two Americans, Scott Ritter and Mark Silver. The task of this group is to conduct meetings with the Iraqi side with a view to bringing the appraisal of the missile programme to a definitive conclusion. The second group consists of five inspectors led by a United States national, Dennis Vincent, and its purpose is to continue the interim monitoring activities in the missile field that were begun by the UNSCOM 48 interim monitoring team. The two groups have begun work, and the first group has held a number of meetings with the Iraqi side. The second group, together with the first group, has visited the Taj al-Ma'arik factory of the Balat al-Shuhada' Works, Qa'qa State Establishment, Al-Yawm al-Azim factory, the Al-Mu'tasim Centre at Iskandariyah, Dhu al-Fiqar factory, the Rafah site, Ibn al-Haytham Research and Design Centre, and Project 144. The work of the second team is to continue for a period of time yet to be established, while the first group is expected to leave the country on Friday, 2 April 1993.

II. RETURN OF PROPERTY

1. During March 1993, the hand-over of heavy military equipment was completed at the Safwan hand-over point. The operation began at the end of February 1993, and during March the following equipment was handed over:

18 French 155-mm guns
18 French ammunition carriers
18 French 120-mm mortars
10 French command posts
88 Ferret armoured cars
20 American 155-mm guns
40 Centurion tanks

2. On 20 March 1993, the Iraqi side notified the office of the United Nations coordinator of the return of property of its agreement to hand over a HAWK-1 missile system. The hand-over will begin during the first week of April.

III. COMPENSATION

Iraq is participating in the work of the ninth session of the United Nations Compensation Commission, being held at Geneva from 29 March to 3 April 1993. At the session, the Iraqi delegation will make a statement setting forth its views on the issues on the session's agenda.

IV. UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

In the framework of consultation and cooperation between the Iraqi side and the United Nations Iraq-Kuwait Observation Mission (UNIKOM), the Director of the

International Organizations and Conferences Department of the Ministry of Foreign Affairs received General Dibuama, Chief Military Observer, on 15 March 1993. In the course of the meeting, a number of issues were reviewed concerning the functioning of UNIKOM in the demilitarized zone.

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S/25536
6 April 1993
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 2 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to draw your attention to the situation in Rwanda, where developments are a matter of great concern.

On the ground, the provisions of the Dar-es-Salaam agreement, particularly those relating to the withdrawal of the warring forces, appear to be a long way from being fully implemented. Furthermore, with regard to the political process, the talks between the parties at Arusha are deadlocked. In that context, it is to be feared that the fighting will soon resume, leading to further massacres and to a very serious deterioration in the humanitarian situation.

In view of this risk, the French Government believes that the international community, particularly the United Nations, should take emergency action. The adoption of Security Council resolution 812 (1993) represents an initial stage in taking such action, which France, having taken the initiative in that connection, welcomes. The French Government believes that specific measures must now be taken to demonstrate the determination of the United Nations to promote a negotiated political settlement and to forestall a military solution.

We believe that United Nations military observers should be deployed at the border between Rwanda and Uganda as a matter of priority. We are of the view that such a deployment, which has been requested by the authorities of Rwanda and Uganda, could reduce tension in the region and promote the negotiation process between the parties. The French Government hopes that an advance component of the observer contingent can be deployed immediately, in view of the urgency of the situation, and that recommendations will be submitted as soon as possible to the Security Council for the deployment of the remainder of the contingent. Moreover, it awaits with the keenest interest the report that the Security Council requested you, in resolution 812 (1993), paragraph 2, to make to it.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE

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Security Council

Distr.
GENERAL

S/25537
6 April 1993
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 5 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you, pursuant to paragraph 2 of Security Council resolution 808 (1993), a draft statute of the international tribunal to hear cases relating to crimes committed in the territory of the former Yugoslavia, with the relevant explanatory notes.

I should be grateful if you would have the text of this letter and the draft statute, together with the explanations, distributed as a document of the Security Council.

(Signed) Y. VORONTSOV

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Annex I

Statute of the International Tribunal to hear cases relating to crimes committed in the territory of the former Yugoslavia

Article 1. Establishment of the Tribunal

An International Tribunal (hereinafter called "the Tribunal") is hereby established to hear cases relating to crimes falling within its jurisdiction under this Statute committed in the territory of the former Yugoslavia.

Article 2. Organs of the Tribunal

The organs of the Tribunal shall be:

(a) The Judicial Branch of the Tribunal (hereinafter called "the Judicial Branch"), composed of:

- The Court of First Instance;
- The Appellate Court;
- The Plenum of the Judicial Branch;

(b) The Bureau of the Tribunal for investigation and prosecution (hereinafter called "the Bureau");

(c) The Registry of the Tribunal (hereinafter called "the Registry");

[(d) The Special Committee on crimes in the former Yugoslavia (hereinafter called "the Committee")].

Article 3. The Court of First Instance

1. The Court of First Instance shall be composed of 15 judges elected by the Committee from among candidates nominated by States participating in the Conference on Security and Cooperation in Europe (CSCE). Each State shall nominate one candidate.

[1. The Court of First Instance shall be composed of 15 judges elected according to the procedure established for the election of members of the International Court of Justice [, mutatis mutandis].]

2. To try each case in the Court of First Instance, a chamber composed of three judges shall be established.

Article 4. The Appellate Court

1. The Appellate Court shall be composed of nine judges elected from among candidates nominated by States represented in the Committee. Each State shall nominate one candidate.

2. To try each case in the Appellate Court, a chamber composed of three judges shall be established.

Article 5. Judges

Judges shall be elected from among persons of high moral character, who possess the qualifications required in their country of nationality for appointment to the highest judicial offices. No two members of the Judicial Court may be nationals of the same State.

Article 6. Plenum of the Judicial Branch

1. The Plenum of the Judicial Branch shall be composed of the judges of the Court of First Instance and the judges of the Appellate Court.

2. The Plenum of the Judicial Branch shall elect a President from among the judges of the Appellate Court and a Vice-President from among the judges of the Court of First Instance.

Article 7. Rules of the Tribunal

1. The Plenum of the Judicial Branch shall adopt the Rules of the Tribunal, subject to approval by the Committee.

2. The Rules of the Tribunal shall contain, inter alia, the rules of procedure of the Court of First Instance, the Appellate Court, the Plenum of the Judicial Branch and the Bureau.

Article 8. Procedure for the adoption of decisions in the Judicial Branch

1. Decisions of the Plenum of the Judicial Branch shall be adopted by a majority of votes of the total number of judges.

In the event of an equality of votes, the President shall have a casting vote.

2. Decisions of the Court of First Instance and of the Appellate Court in chambers shall be adopted by a majority of votes of the members, who may not abstain in the vote.

Article 9. The Bureau

1. The Bureau shall be composed of 35 members elected by the Committee from among candidates nominated by States represented in the Committee. Each State shall nominate two candidates.

2. The requirements specified in article 5 of this Statute shall apply to members of the Bureau.

3. The Committee shall appoint from among the members of the Bureau a Chief Prosecutor and a Deputy Prosecutor, who shall not be nationals of the same State.

4. The members of the Bureau shall not include more than two nationals of the same State.

Article 10. The Registry

1. The Registry shall perform administrative, technical and organizational duties to ensure the smooth functioning of the Tribunal.

2. The Committee shall appoint a Registrar of the Tribunal to head the Registry of the Tribunal.

3. The Registrar of the Tribunal shall recruit and appoint the staff required for the performance of the Registry's functions.

Article 11. The Committee

1. The Committee shall be composed of representatives of the founding States of the Tribunal and representatives of States which have applied to participate in the Tribunal in accordance with the procedure provided for in article 35 of this Statute.

2. The founding States of the Tribunal shall be the States members of the Security Council and the States formed on the territory of the former Yugoslavia.

3. Each of the States referred to in paragraph 1 shall appoint a representative to the Committee.

4. The Committee shall elect a President and a Vice-President.

5. In addition to the functions specified in other articles of this Statute, the Committee shall adopt the budget of the Tribunal and the Financial Regulations of the Tribunal and shall establish the Staff Regulations for the staff of the Registry.

6. The Committee shall adopt its own rules of procedure.

7. With the exception of decisions relating to the election of judges and members of the Bureau, the decisions of the Committee shall be adopted by consensus. If a consensus cannot be achieved, the President shall suspend the meeting for 24 hours for consultations. If at the end of 24 hours a consensus has not been achieved, a decision shall be taken by a two-thirds majority of the representatives of States present and voting, including the concurring votes of representatives of all the permanent members of the Security Council.

8. A quorum of the Committee shall consist of two thirds of the representatives of the founding States of the Tribunal and of States which have applied to participate in the Tribunal in accordance with the procedure provided for in article 35 of this Statute.

Article 12. Crimes within the jurisdiction of the Tribunal

1. The following crimes shall be within the jurisdiction of the Tribunal:

(a) Military crimes such as serious violations of the Geneva Conventions for the protection of war victims of 12 August 1949 or the Protocols Additional thereto of 8 June 1977, or legislation which is not contrary to international law and which, at the time the crime was committed, was in force in the State formed on the territory of the former Yugoslavia in which the crime was committed, and any other military crime characterized as such under the generally recognized rules of international law;

(b) The crime of genocide, as defined in the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 or in legislation which is not contrary to international law and which, at the time the crime was committed, was in force in the State formed on the territory of the former Yugoslavia in which the crime was committed;

(c) Crimes against mankind, as defined under the generally recognized rules of international law and as reflected, in particular, in the Charter of the International Military Tribunal and the relevant resolutions of the General Assembly of the United Nations or in legislation which is not contrary to international law and which, at the time the crime was committed, was in force in the State formed on the territory of the former Yugoslavia in which the crime was committed;

(d) Acts of torture, as defined in the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 or in legislation which is not contrary to international law and which, at the time the crime was committed, was in force in the State formed on the territory of the former Yugoslavia in which the crime was committed.

2. The fact that an act or omission is or is not punishable under internal law does not affect the characterization of the act or omission as a crime falling within the jurisdiction of the Tribunal.

3. The crimes specified in paragraph 1 shall fall within the jurisdiction of the Tribunal if they were committed since 1 January 1991:

(a) In the territory of the former Yugoslavia;

(b) In places which are not under the sovereignty of any State if the perpetrator or the victim is a national of one of the States formed on the territory of the former Yugoslavia.

Article 13. Individuals subject to the jurisdiction of the Tribunal

Individuals accused of the crimes specified in article 12 of this Statute shall be subject to the jurisdiction of the Tribunal, irrespective of their nationality.

Article 14. Principles of criminal responsibility

1. The crimes specified in article 12 of this Statute shall be deemed to have been committed by any individual who:

(a) Committed such a crime directly; and/or

(b) Organized or directed the commission of such a crime; and/or

(c) Attempted to commit such a crime or was associated in some way with the commission of such a crime, or incited others to commit such a crime, or deliberately assisted others in the commission of such a crime.

2. An individual who, of his own accord and prior to any proceedings, has refused to carry out to its conclusion any crime specified in article 12 of this Statute shall be subject to the jurisdiction of the Tribunal only if the act actually committed by him constitutes another crime under article 12 of this Statute.

3. The official position of an individual who commits a crime specified in article 12 of this Statute and, in particular, his position as head of State or the responsible official of any Government department shall not be regarded as grounds for relieving him of responsibility or mitigating the penalty.

4. The fact that an individual who has committed a crime specified in article 12 of this Statute acted pursuant to an order of a Government or a superior does not relieve him of criminal responsibility if the Tribunal deems that, in the circumstances which existed at the time the crime was committed, it was possible for him not to comply with that order.

[Article 15. Non-applicability of statutory limitations

No statutory limitations shall apply to the crimes specified in article 12 of this Statute.]

Article 16. Non bis in idem

1. No one shall be tried or punished for a crime under this Statute for which he has already been convicted or acquitted by the Tribunal.

2. Subject to the provisions of paragraph 3, no one shall be tried or punished by the Tribunal for a crime under this Statute in respect of an act for which he has already been convicted or acquitted by a national court, provided that, if a penalty was imposed, it has been enforced or is in the process of being enforced.

3. Notwithstanding the provisions of paragraph 2, an individual may be tried and punished by the Tribunal for a crime under this Statute if the act which was the subject of a trial and judgement as an ordinary crime corresponds to one of the crimes specified in this Statute.

4. In handing down its judgement, the Court shall take into account any penalty imposed and enforced under a judgement previously handed down in respect of the commission of the same act.

Article 17. Judicial guarantees

An individual charged with a crime under this Statute shall be entitled without discrimination to the guarantees recognized under the generally accepted rules of international law and the general principles of law. In particular, he shall be presumed innocent until proved guilty and, inter alia, have the rights:

(a) To a fair and public hearing;

(b) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(c) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(d) To have legal assistance of his own choosing during the preliminary examination;

(e) To be tried without undue delay;

(f) To be tried in his presence and to defend himself in person or through legal assistance of his own choosing;

(g) To be informed, if he does not have legal assistance, of this right, and to have legal assistance assigned to him and, without payment by him in any such case if he does not have sufficient means to pay for it;

(h) To examine, or have examined, the witnesses against him and obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(i) To have the free assistance of an interpreter if he cannot understand or speak the language used during the preliminary examination or the hearing;

(j) Not to be compelled to testify against himself or to confess guilt.

Article 18. Organization of the work of the Bureau

1. The Bureau shall carry out an investigation upon the receipt of the relevant information concerning acts which may be categorized as crimes under this Statute.

2. The Special Rapporteur appointed pursuant to resolution 1992/S-1/1 of 14 August 1992 of the United Nations Commission on Human Rights and the impartial Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992 shall provide the Bureau with the information referred to in paragraph 1.

The information referred to in paragraph 1 may be provided to the Bureau by the Fact-Finding Commission established pursuant to article 90 of Protocol 1 of 1977 Additional to the Geneva Conventions on the protection of war victims of 1949 and also by non-governmental humanitarian organizations.

3. The Bureau may ex officio collect the information referred to in paragraph 1.

4. A decision to carry out an investigation shall be taken by a majority of the members of the Bureau. In the event of an equality of votes, the Chief Prosecutor shall have a casting vote.

5. In the event that a decision to carry out an investigation is not taken, the organization which provided the information referred to in paragraph 1 shall be notified. That organization may present its comments in that connection to the Bureau.

6. The competence of the Bureau to carry out an investigation, the procedure for carrying out an investigation and the rights of the individual under investigation shall be defined in the Rules of the Tribunal in accordance with the generally recognized rules of international law, the general principles of law recognized by the world community and this Statute.

The Bureau, in particular, shall have the right to call and examine witnesses, to ask for and receive evidence, to call experts and to receive their findings.

Article 19. Referral to the Court of First Instance

1. Upon conclusion of its investigation, the Bureau shall take a decision, stating the reasons on which it is based:

(a) To close the case; or

(b) To refer the case to the court of the State in whose territory the acts characterized by the Bureau as crimes, were committed or in which the individual who committed those acts or the victim of those acts is resident, if those acts, albeit characterized by the Bureau as crimes, cannot, in the Bureau's opinion, be characterized as crimes defined in this Statute; or

(c) To refer the case to the Court of First Instance.

2. In the cases referred to in paragraph 1 (c), an indictment shall be drawn up and referred to the Court of First Instance.

The indictment shall contain, in particular, an indication of the place and time of commission of the acts characterized by the Bureau as a crime under this Statute; a description of these acts, the means by which they were committed and their motives and consequences; evidence attesting to the commission of a crime and to the guilt of the defendant; arguments adduced by the defendant in his defence and the results of the verification of those arguments; the exact wording of the charge and an indication of the points of law on which it is based; and, where necessary, other elements.

Article 20. Proceedings in the Court of First Instance

1. The proceedings shall be conducted in accordance with the Rules of the Tribunal.

2. The proceedings shall be conducted in public in one of the chambers of the Court of First Instance, unless the chamber decides to conduct the proceedings in camera in the interests of law and order or for considerations related to the privacy or safety of the victim, the defendant or the witness, or where the special circumstances of the case are such that public proceedings might prejudice the interests of justice.

3. Without prejudice to the rights of the defendant established by article 17, paragraph (f), of this Statute, the case may be considered in his absence.

Article 21. Judgements of the Court of First Instance

1. Judgements of the Court of First Instance shall be adopted by a majority of the votes of the judges constituting the chamber and shall be delivered in public.

2. Judgements of the Court of First Instance shall be drawn up in accordance with the Rules of the Tribunal. [Dissenting opinions by the judges shall be annexed to the judgement.]

3. A judgement of the Court of First Instance shall enter into force, shall be considered final and shall be enforceable upon the expiry of the appeal period established by article 23 of this Statute, if no appeal has been lodged against it during that period.

Article 22. Penalties

1. Subject to the provisions of paragraph 3, for the crimes in article 12 of this Statute, the Court shall designate the penalties established under the legislation of the State in which the crime was committed which was in force at the time the crime was committed.

2. If a crime has been committed in a place which is not under the sovereignty of any State, the Court shall designate a penalty provided for under the legislation of the State of which the perpetrator is a national or the State of which the victim is a national, which was in force at the time the crime was committed.

3. Sentence of death shall not be imposed. When determining the penalty, the Court shall take into account any extenuating or aggravating circumstances.

Article 23. Appeal

1. An appeal against a judgement of the Court of First Instance may be lodged with the Appellate Court within a period of 30 days from the date on which a copy of the judgement is handed to the convicted person.

2. An appeal may be lodged by the convicted person or, at his request, by his counsel, or by the prosecutor in the given case, or by the Chief Prosecutor. An appeal may be concerned only with points of law.

Article 24. Proceedings in the Appellate Court

Proceedings in the Appellate Court shall be conducted in accordance with the provisions of article 20 of this Statute, mutatis mutandis.

Article 25. Decision of the Appellate Court

1. The provisions of article 21, paragraphs 1 and 2, of this Statute shall apply, mutatis mutandis, to decisions of the Appellate Court.

2. A decision of the Appellate Court shall be final and enforceable.

Article 26. Review of the judgement

1. A judgement which has entered into force may be contested in the Appellate Court by the Bureau or by the convicted person, if, after the judgement is rendered, one or more circumstances come to light which could have a decisive influence on the judgement.

2. An appeal against a judgement shall be considered by a chamber of the Appellate Court. Judges who participated in the consideration of the case in question may not form part of this chamber.

3. If a chamber of the Appellate Court determines that there are grounds to conduct proceedings with a view to revising the judgement, it may adopt a decision:

(a) To grant a stay of execution;

(b) To take the case under its own consideration and to set aside the finding of guilt;

(c) To refer the case to the Court of First Instance for a new hearing.

Article 27. Execution of judgements

1. At the discretion of the Court and subject to the provisions of paragraph 3, a judgement shall be executed in the State in whose territory the crime was committed, or in the State of which the perpetrator is a national.

2. Execution of the judgement shall be effected in accordance with the legislation of the State in which the judgement is to be executed just as if it had been rendered by a court of that State, regardless of the fact that the acts in respect of which the judgement has been rendered may not be considered crimes under the legislation of that State or that, if they are considered crimes, different penalties are prescribed for them than that prescribed in the judgement.

3. If, having rendered a judgement, the Court should consider that due execution of the judgement cannot be ensured in the State designated in paragraph 1, it may decide that the judgement shall be executed in one of the States which have expressed their willingness to accept convicted persons.

4. The execution of sentences shall be monitored by the Bureau in accordance with the Rules of the Tribunal.

Article 28. Pardon

The State in which the judgement is executed may approach the Committee regarding a pardon or the mitigation of a penalty. In that event, it shall address to the Committee a duly substantiated request for a pardon or the mitigation of a penalty. The Committee shall adopt a decision within 30 days from the date of receipt of such request. The pardon shall be granted or the penalty mitigated by the State in which the judgement is executed.

Article 29. Competence of the Tribunal and the obligation of States to provide assistance

1. The Judicial Branch or the Bureau may request any State to provide assistance in the exercise of its functions, including, inter alia, the conduct of appropriate judicial procedures and the production of the corresponding information.

The Judicial Branch or the Bureau may adopt a decision to take into custody an individual who is charged with or suspected of the commission of a crime specified in this Statute, if such action is necessary for the investigation or for the administration of justice.

2. Each State shall render assistance to the Tribunal in the exercise of its functions, including, inter alia, the conduct of appropriate judicial procedures and the production of the corresponding information.

Each State shall render assistance to the Tribunal by tracking down, arresting and handing over to the Tribunal an accused or suspected person.

For the purposes of handing over such persons, the Tribunal shall not be regarded as a court of a foreign State.

Article 30. Ensuring the execution of the decisions of the Tribunal

1. The Plenum of the Judicial Branch or the Bureau may determine that any decision of the Court or the Bureau, as the case may be, is not being executed by a particular State. In that case, the Plenum of the Judicial Branch or the Bureau, as the case may be, shall notify the Committee of the situation that has arisen.

2. On the basis of the notification referred to in paragraph 1, the Committee may draw the attention of the State concerned to the failure to execute the decision of the Tribunal and may insist on execution within the prescribed period.

3. If, in the view of the Committee, its request is not being complied with, it may request the Security Council to adopt measures to ensure that the Tribunal's judgement is executed.

4. Upon receipt of the Committee's request, the Security Council may adopt a decision to take such measures under the Charter of the United Nations as it deems essential to ensure execution of the Tribunal's judgement.

Article 31. Privileges and immunities

1. Judges, members of the Bureau and the Registrar shall enjoy diplomatic privileges and immunities in the exercise of their duties.

2. The staff of the Registry, the counsel of the defendants, the experts and the witnesses shall enjoy such privileges and immunities as are accorded to persons of comparable status associated with the International Court of Justice.

3. The Committee may adopt a decision to withdraw the immunity of members of the Bureau.

4. The Plenum of the Judicial Branch may adopt a decision to withdraw the immunity of the Registrar, the counsel of the defendants, the experts and the witnesses.

Article 32. Seat of the Tribunal

The seat of the Tribunal shall be established at ...

Article 33. Financial questions

Financial questions relating to the work of the Tribunal shall be governed by the Financial Regulations of the Tribunal, which shall be adopted by the Committee and approved by the Security Council of the United Nations.

Article 34. Languages

1. The official and working language of the Tribunal shall be English.

2. The Court may adopt a decision to use another language in the consideration of any case.

Article 35. Participation in the Tribunal

1. After the adoption of this Statute, States which are not founding States of the Tribunal may submit an application to participate in the Tribunal.

2. The application referred to in paragraph 1 shall be addressed to the Registry of the Tribunal.

3. The Registrar shall notify all the States specified in article 11, paragraph 1, of this Statute of the receipt of an application referred to in paragraph 1.

4. Thirty days after the date of notification referred to in paragraph 3, the State submitting the application referred to in paragraph 1 shall become a participant in the Tribunal.

Annex II

Explanatory notes on the draft Statute of the International Tribunal to hear cases relating to crimes committed in the territory of the former Yugoslavia

The Russian draft Statute of the International Tribunal to hear cases relating to crimes committed in the territory of the former Yugoslavia has been prepared by a group of lawyers under the auspices of the Legal Department of the Ministry of Foreign Affairs of the Russian Federation. The group comprised, in addition to a number of members of the Legal Department: G. Tunkin, Corresponding Member of the Russian Academy of Sciences, President of the Russian Association of International Law, Head of the Faculty of International Law of Moscow State University; V. Vereshchetin, Professor, member of the United Nations International Law Commission, Deputy Director of the Institute of State and Law of the Russian Academy of Sciences; K. Gutsenko, Professor, Head of the Faculty of Criminal Procedure of Moscow State University; and S. Kelin, Professor, Senior Fellow of the Institute of State and Law of the Russian Academy of Sciences.

The draft is based on the possibility that a Tribunal might be established and its Statute adopted by a decision of the Security Council of the United Nations taken in accordance with Articles 24, 29, 39 and 41 of the Charter.

In this context, for the preparation of the constituent instrument of the Tribunal, it is proposed that a subsidiary organ of the Security Council should be established - a Special Committee on crimes in the former Yugoslavia - to be composed of representatives of the States members of the Security Council and the States formed on the territory of the former Yugoslavia. After the adoption of the Statute, the Committee will exercise important functions in expediting the work of the Tribunal. For this purpose, the Committee could become one of the organs of the Tribunal or could operate outside the framework of its structure, but in close liaison with it (articles 2, 7, 9, 11, 28 and 30 of the draft Statute).

With a view to promoting the universal nature of the Tribunal, the draft establishes (in article 35) a procedure whereby, once the Statute has been adopted, any State may apply to participate in the Tribunal and, accordingly, become part of the Committee, which will thus consist of the founding States and States which have availed themselves of the aforementioned procedure (article 11).

Under the draft Statute, the Tribunal will hear cases relating to military crimes, crimes against mankind, the crime of genocide and acts of torture, committed in the territory of the former Yugoslavia. The crimes in question will be those committed since 1 January 1991 (article 12), since Security Council resolution 808 (1993) refers to crimes committed since 1991. At the same time, there are grounds for considering another date, namely, 25 June 1991, since, from a legal standpoint, it was from that date that the new States of the territory of the former Socialist Federal Republic of Yugoslavia started to emerge.

In view of the importance which the situation in the territory of the former Yugoslavia has for the continent of Europe, a procedure has been established by which the candidature of judges would be submitted by the States participating in the Conference on Security and Cooperation in Europe (CSCE) (article 3). At the same time, bearing in mind that the Tribunal is to be established within the framework of the United Nations, the procedure established for the election of judges to the International Court of Justice could be used, mutatis mutandis, for the formation of the Court of First Instance. A different procedure is provided for the formation of the Appellate Court: the election of judges by the above-mentioned Committee (article 4). For the characterization of crimes, it is proposed that the Court should apply international law and - provided that it is not contrary to international law - internal law (article 12), and in the handing down and execution of penalties, the law of the State in which the crime was committed and in which the judgement is to be executed, as appropriate (articles 22 and 27).

The draft Statute establishes the generally recognized right of the defendant to be tried in his presence and, at the same time, without prejudice to this right, provides for the possibility of considering a case in the absence of the defendant (in the event, for example, of the defendant's failure to appear) (article 20).

In the draft Statute, the death sentence is not permitted (article 22).

The draft Statute is based on the obligation of all States to render every assistance to the Tribunal, including the obligation to hand over the persons concerned at its request. The provision that, for the purposes of handing over such persons, in accordance with the Statute, the Tribunal shall not be viewed as a court of a foreign State (article 29) is particularly important.

In so far as the Tribunal, in the event that it is established as a subsidiary organ of the Security Council, will be set up within the framework of Articles 39 and 41 of the Charter of the United Nations, a mechanism is proposed which involves the participation of the Security Council in ensuring the execution of the decisions of the Tribunal (article 30).

The draft Statute is provisional in nature and contains certain alternative texts in square brackets.

In the event that the Statute of the Tribunal is adopted (or confirmed) by a resolution of the Security Council, it would be advisable to provide for its entry into force within a specified period, for example, 60 days, and to invite the States which have been formed on the territory of the former Yugoslavia to convey their agreement with the statute within this period. Agreement could be explicit or tacit (no objection). If no agreement is reached, the Security Council, upon expiry of the specified period, would reconsider the situation as it then stood.

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S/25538
6 April 1993

ORIGINAL: ENGLISH

LETTER DATED 6 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the statement of 5 April 1993 issued by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

Annex

Statement of 5 April 1993 issued by the Minister for Foreign Affairs of the Democratic People's Republic of Korea

The United States and other forces hostile to us which have been threatening the Democratic People's Republic of Korea and putting pressure on it over the "problem of nuclear inspection" are now trying to openly interfere in its internal affairs and take even "sanctions" against it with the help of the United Nations.

At the meeting of the Board of Governors of the International Atomic Energy Agency on 1 April the United States and its followers adopted by force a "resolution" on transferring the so-called "nuclear problem" of the DPRK to the United Nations, defying the strong opposition of delegates of our country and various other countries.

This is an open hostile act of the United States and its followers to isolate and stifle our Republic at any cost.

Considering that the "resolution" of the IAEA Board of Governors is a grave encroachment upon the sovereignty of the Democratic People's Republic of Korea and the dignity of the nation, the Government of the DPRK decisively rejects and condemns it.

There is no ground whatsoever for the IAEA to refer our "nuclear problem" to the United Nations.

It is preposterous for the meeting of the IAEA Board of Governors to charge us with "non-compliance with the Safeguards Agreement" as we refused to allow the inspection of military sites.

The "two sites" the inspection of which was demanded by the IAEA secretariat are our military sites which have no relevance to nuclear activities and, accordingly, these are not subject to inspection under the Safeguards Agreement.

What is more, the secretariat made public the "satellite intelligence information" provided by the United States and, on this basis, demanded an inspection of our military facilities, claiming that they were nuclear-related facilities.

The fact itself that they spied on our country by an espionage satellite or by high-altitude reconnaissance plane was a violation of its sovereignty and it is still more shameless for them to try to reconfirm the "intelligence information" through the IAEA.

By attempting to make an inspection on the basis of this false "information", the IAEA secretariat is joining the United States in the latter's sinister purpose of having our military facilities opened and disarming us.

Some officials of the IAEA secretariat and some member nations have brought our issue to the United Nations, deliberately ignoring our reasonable proposal and patient efforts to seek a negotiated settlement of the problem.

Ever since it signed the Safeguards Agreement, our Republic has not only faithfully fulfilled its commitments under it but provided every possible convenience and cooperation to the IAEA secretariat and inspectors in their full performance of their duties.

Even after the declaration of our withdrawal from the Treaty, we made it clear that we were ready to fulfil our commitments under the agreement and especially before the last meeting we made a proposal to hold negotiations with the IAEA on the implementation of our obligations and have exerted efforts for its realization.

To our regret, our offer for negotiations was turned down. This was very abnormal and something unprecedented.

Such practices on the part of the United States and the IAEA secretariat diametrically run counter to the statute of the IAEA and its provisions and the Safeguards Agreement.

Our refusal of the inspection of military sites can never be "non-compliance with the Safeguards Agreement". We have never rejected ad hoc inspection under the agreement.

The Director General of the IAEA and some officials of the secretariat of the Agency and some of its member States hurriedly adopted a "resolution" to take our "nuclear problem" to the United Nations. This was based on a United States scenario and was intended to attain the sinister political purpose of stifling our socialism.

Some officials of the IAEA secretariat have thus systematically abused the statute of the Agency and the Safeguards Agreement to charge us with "non-compliance with the Safeguards Agreement" from the very beginning under the manipulation of the United States.

The reality proves more clearly how just it was for the DPRK to withdraw from the IAEA.

No trace of international justice, impartiality and objectivity could be found in the words and deeds of the United States and some officials of the IAEA secretariat until now.

In actuality, South Africa has developed and manufactured nuclear weapons and Israel is said to possess nuclear weapons. But the United States and the IAEA have never taken issue with them nor brought complaints against them at the United Nations.

The IAEA, however, has transferred our "nuclear problem" to the United Nations, raising terrific outcries over fictitious "nuclear suspicion" and "inconsistency".

We cannot but take a serious view of such two-pronged "double standard" applied by the United States and the International Atomic Energy Agency.

Scores of years have passed since the statute of the IAEA and the Safeguards Agreement were drafted. But never before had they been trampled upon and trifled with as today.

Judging from this, it is not our country but the United States and some officials of the IAEA secretariat that have failed to comply with the Safeguards Agreement. They have laid artificial obstacles to our implementation of the Safeguards Agreement.

It is none other than the United States which deserves complaints at the United Nations and sanctions of the international community. It, a depositary of the Nuclear Non-Proliferation Treaty, has violated its obligations under the Treaty and ceaselessly increased nuclear threat to a non-nuclear State.

Our so-called "nuclear problem" is, in essence, not a problem between our country and the IAEA but a problem between us and the United States.

The so-called "nuclear problem" of ours, therefore, is not a matter to be discussed in the United Nations arena but a problem that should be resolved through negotiation between the DPRK and the United States.

All these facts show that the attempt to take our "nuclear problem" to the United Nations arena by charging us with "non-compliance" is an illegal act without any validity and legal ground.

The United Nations should not argue about our "nuclear problem" but pay due attention to the abuse of the statute and Safeguards Agreement by some officials of the IAEA secretariat and growing nuclear threat of the United States to us and take a practical step to check it.

As far back as in the 1950s, the United Nations became a warring side against us, its name abused by the United States, and committed grave crimes against the Korean people and has not yet settled the abnormal past with our country.

If the United Nations follows in its past footsteps today when the cold war has ended, it will entail unpredictable consequences and leave another stain in its history.

There is no change in the DPRK Government's anti-nuclear peace policy and its stand for the denuclearization of the Korean peninsula.

Consistent likewise is our stand to fulfil our obligations under the Safeguards Agreement to the end and solve the problems arising in this by means of negotiation.

If the United Nations Security Council tries to put pressure on us and take "collective sanctions" against us by representing the will of a big Power, we will be compelled to take corresponding effective self-defensive measures.

We do not say empty words.

The Government of the Democratic People's Republic of Korea and the Korean people believe that the Governments and peoples of all countries that treasure peace and justice will extend support and solidarity to our just cause of removing nuclear threat from the Korean peninsula and safeguarding peace and security.

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S/25539
6 April 1993

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3194th meeting, on 6 April 1993, in connection with the Council's consideration of the item entitled "The situation relating to Nagorny-Karabakh":

"The Security Council expresses its serious concern at the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan, and at the escalation of hostile acts in the Nagorny-Karabakh conflict, especially the invasion of the Kelbadjar district of the Republic of Azerbaijan by local Armenian forces. The Council demands the immediate cessation of all such hostilities, which endanger peace and security of the region, and the withdrawal of these forces.

"In this context, the Security Council, reaffirming the sovereignty and territorial integrity of all States of the region and the inviolability of their borders, expresses its support for the CSCE peace process. It expresses the hope that the recent preliminary agreement reached by the Minsk Group will be expeditiously followed by agreements on a cease-fire, a timetable for the deployment of the monitors, a draft political declaration and the convening, as soon as possible, of the Minsk Conference.

"The Security Council urges the parties involved to take all necessary steps to advance the CSCE peace process and refrain from any action that will obstruct a peaceful solution to the problem.

"The Council also calls for unimpeded access to international humanitarian relief efforts in the region and in particular in all areas affected by the conflict in order to alleviate the suffering of the civilian population.

"The Security Council requests the Secretary-General, in consultation with the CSCE, to ascertain facts, as appropriate, and to submit urgently a report to the Council containing an assessment of the situation on the ground.

"The Council will remain seized of the matter."

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A/47/922
S/25540
6 April 1993

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GENERAL ASSEMBLY
Forty-seventh session
Agenda items 91, 97 (c), 129 and 143
ELIMINATION OF RACISM AND RACIAL DISCRIMINATION
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES
REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FOURTH SESSION
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-eighth year

Letter dated 6 April 1993 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General

Upon instructions, I have the honour to forward herewith the text of a memorandum by the Government of Brazil on aspects related to the implementation of Security Council resolution 808 (1993), of 22 February 1993, regarding the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 91, 97 (c), 129 and 143, and of the Security Council.

(Signed) Ronaldo Mota SARDENBERG
Ambassador
Permanent Representative of Brazil
to the United Nations

ANNEX

Memorandum dated 31 March 1993 by the Government of Brazil on aspects related to the implementation of Security Council resolution 808 (1993)

1. Brazil has condemned in the strongest terms the serious war crimes and crimes against humanity committed in the ongoing conflict in the territory of the former Socialist Federal Republic of Yugoslavia. Those horrendous acts have shocked and outraged the Government of Brazil and Brazilian society. They call for strong action by the international community, including through the United Nations, to uphold the fundamental values of justice and the dignity of the human person. There can be no doubt that the perpetrators of such crimes must be held personally accountable for their acts and must be brought to justice.

2. To that end, the Government of Brazil favours the establishment of an international tribunal to prosecute and try persons found to be responsible for serious violations of international humanitarian law committed in the territory of the former Socialist Federal Republic of Yugoslavia since the outbreak of conflict in 1991. In that spirit, Brazil voted in favour of Security Council resolution 808 (1993) of 22 February 1993 and attaches great importance to the work now being carried out by the Secretary-General in preparing the report to be submitted to the Security Council in accordance with paragraph 2 of that resolution.

3. The discussions and studies carried out for some time by the International Law Commission concerning the possibility of an international criminal jurisdiction and the related subject of a draft code of crimes against the peace and security of mankind are indicative of the legal and practical difficulties involved in the structuring and the operation of any such international jurisdiction. Not only are those difficulties of a technical nature, but they also relate to the problem of ensuring the political support that is required for an international court to be a meaningful institution.

4. The creation of an international criminal tribunal ought to reflect a careful and comprehensive examination of the extremely complex issues involved in this initiative. To that end, a wide spectrum of consultations with legal experts from different countries and different legal systems should prove to be extremely useful. Prior studies undertaken on this and related subjects, as well as the records of intergovernmental discussions and deliberations, such as those undertaken in the Sixth Committee of the General Assembly, can also provide valuable elements for the success of the endeavours resulting from resolution 808 (1993).

5. The Government of Brazil has carefully considered the suggestions submitted by other Member States, notably those contained in the documents recently presented to the Security Council by France (S/25266), Italy (S/25300) and Sweden, on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) (S/25307). Brazil expresses its appreciation for the suggestions set out in those documents, which can constitute, in many aspects, important inputs for the work to be carried out by the Secretariat.

6. The general position of the Government of Brazil on this question was expressed in the statement made in the Security Council by the delegation of Brazil on the occasion of the adoption of resolution 808 (1993) (see S/PV.3175, pp. 4-7). The following additional comments refer to specific aspects related to the implementation of that resolution. The Government of Brazil deems it important that these points be duly taken into account in the deliberations relating to the implementation of resolution 808 (1993).

7. The international tribunal referred to in paragraph 1 of resolution 808 (1993) should be an ad hoc independent non-political body. It should be impartial and effective in its work. All stages and aspects of its work must be accomplished in strict observance of the due process of law.

8. The international tribunal should be based on a solid legal foundation that ensures, in a transparent and unobjectionable manner, the legitimacy of its decisions. Legitimacy is required, first and foremost, as an essential element inherent in the idea of justice, but also as an important factor for the effectiveness of the work of the tribunal.

9. The question of the method by which the tribunal is to be established calls for particular attention.

10. It should be established in such a way as to allow it to have jurisdiction over all cases of serious violations of international humanitarian law committed in the territory of the former Yugoslavia by any of the parties to the conflict during an agreed period of time.

11. The international system is based on the existence of a plurality of equally sovereign States. In such a system, which lies at the very foundation of the United Nations, the assertion and the exercise of criminal jurisdiction are essential attributes of national statehood. As a result, criminal jurisdiction cannot be presumed to exist, virtually or in actuality, at the international level.

12. Except under very special circumstances, such as those which prevailed at the end of the Second World War and which made possible the establishment of the Nuremberg and Tokyo International Military Tribunals, criminal jurisdiction can only exist, and be exercised, at the international level if and when it is conferred upon an international body by the State or States concerned.

13. In the light of the above, the most appropriate and effective method for establishing the international tribunal referred to in resolution 808 (1993) would appear to be along the lines suggested in the proposal for an international war crimes tribunal for the former Yugoslavia prepared by the CSCE rapporteurs (S/25307). That method would include the conclusion of a convention setting up an ad hoc international jurisdiction and containing the terms of reference for its exercise, including the text of the statute of the international tribunal.

14. Reference should also be made in this regard to the report of the committee of jurists presented by France, in which, although preference is expressed by the authors for the establishment of an ad hoc tribunal by a resolution of the

Security Council adopted under Chapter VII of the Charter of the United Nations, possible alternative solutions are also discussed (S/25266).

15. The role of the Security Council regarding the establishment and functioning of the tribunal should remain within the limits of the very considerable powers expressly entrusted to it by the Members of the United Nations in accordance with the Charter. The Government of Brazil is not convinced that the competence to establish and/or exercise a criminal jurisdiction is among the constitutional powers of the Security Council.

16. If the tribunal were to be established as a subsidiary organ of the Security Council or as an organ otherwise subordinated to the Council, its independence and impartiality could be questioned.

17. There is a need for a clear and unambiguous definition of the law to be applied by the tribunal, not least as regards the characterization of the crimes to be punished. The relevant international instruments in force in the territory of the former Socialist Federal Republic of Yugoslavia provide an important basis in this regard.

18. The work of the tribunal must be carried out with full respect for the human rights and fundamental freedoms of the defendants. International legal instruments in the field of human rights, especially the International Covenant on Civil and Political Rights, and generally accepted principles of criminal law must be fully respected.

19. This consideration is valid for all aspects of the work of the tribunal, including the assessment of penalties, one of the most sensitive questions related to the establishment of an ad hoc international criminal jurisdiction. In particular, it is essential that no form of cruel, inhuman or degrading punishment be included among the penalties to be imposed by the tribunal.

20. If the members of the Security Council do decide to create the tribunal by a resolution of the Council, consideration should be given to the adoption of measures that would ensure the participation and involvement in this process, through the General Assembly, of the whole membership of the United Nations. In particular, it should be provided that the members of the tribunal be elected by the General Assembly and the Security Council, in a procedure analogous to that applicable to the election of the members of the International Court of Justice, so as to ensure that the body as a whole is based on equitable geographical representation and adequately represents the principal legal systems of the world.

21. Consideration could also be given to other suggestions for involving the General Assembly in the process of establishing the tribunal, such as that contained in paragraph 44 of the document submitted by France (S/25266).

22. It is the hope of the Government of Brazil that an effective international tribunal will be established, on a solid legal basis, to prosecute and try the persons responsible for the heinous war crimes and crimes against humanity committed in the territory of the former Socialist Federal Republic of

Yugoslavia. Brazil stands ready to participate in deliberations to that end, on the basis of the report to be submitted to the Security Council by the Secretary-General.

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S/25541
6 April 1993

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

The attached letter dated 4 March 1993 addressed to the President of the Security Council is circulated herewith.

Annex

REPUBLIC OF MACEDONIA
GOVERNMENT

24 March 1993

Your Excellency,

I have the honour to address you with regard to the application of the Republic of Macedonia for admission to the United Nations, dated 30 July 1992 (document S/25147) and to the informal consultations of the members of the Security Council on the subject.

On behalf of the Government of the Republic of Macedonia I would like to express to you and to the members of the Council our appreciation for recommending my country for membership in the United Nations.

However, I wish to bring to your attention our disappointment that it has not proved possible for the Security Council to adopt the standard straightforward resolution on admission of new members.

Regardless of our concerns I would like to assure you that the Republic of Macedonia is able and willing to carry out the obligations under the Charter. We shall proceed with our policy of good-neighbourly relations and cooperation aiming at establishing our country as a factor of peace and stability in the region and in the broader international community.

I would also like to express our willingness to continue to cooperate with the co-chairmen of the Steering Committee of the International Conference on the former Yugoslavia in setting up a mechanism to settle the difference that has arisen and to promote confidence-building measures with the Republic of Greece, on the clear understanding that this in no way affects the completion of the process of the admission of the Republic of Macedonia to the membership in the United Nations.

The Republic of Macedonia will in no circumstances be prepared to accept the "former Yugoslav Republic of Macedonia" as the name of the country. We refuse to be associated in any way with the present connotation of the term "Yugoslavia".

Please accept the assurances of my highest consideration.

Yours sincerely,

(Signed) Branko CTVENKOVSKI
President of the Government of
the Republic of Macedonia

H.E. Mr. Terence Christopher O'Brien
President of the Security Council
United Nations

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S/25542
6 April 1993

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

The attached letter dated 5 April 1993 addressed to the President of the Security Council is circulated herewith.

Annex

GOVERNMENT
OF THE REPUBLIC OF MACEDONIA

5 April 1993, Skopje

Your Excellency,

In addition to my letter dated 24 March 1993, addressed to your predecessor H.E. Terence Christopher O'Brien, to whom we communicated our position with regard to the relevant draft resolution before the Security Council, I would like to inform you that the Government of the Republic of Macedonia will submit the proposals for promotion of confidence-building measures with the Republic of Greece to the Co-chairmen of the Steering Committee of the International Conference on the former Yugoslavia.

Please accept the assurances of my highest consideration.

Yours sincerely,

(Signed) Branko CRVENKOVSKI

H.E. Mr. Jamsheed K. A. Marker
President of the Security Council
United Nations
New York

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6 April 1993

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LETTER DATED 6 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF GREECE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the application for membership circulated in document A/47/876-S/25147 of 22 January 1993, I have the honour to forward herewith a letter dated 6 April 1993 addressed to you by the Minister for Foreign Affairs of Greece, Mr. Michael Papaconstantinou.

(Signed) Antonios EXARCHOS
Permanent Representative

060493

Annex

Letter dated 6 April 1993 from the Minister for Foreign Affairs of Greece addressed to the President of the Security Council

I write to inform you that the Government of Greece considers the draft resolution currently before the Security Council an acceptable basis for addressing the issue of the application of the Former Yugoslav Republic of Macedonia for admission to the United Nations.

My Government considers the three main elements of this resolution, namely the settlement of the difference over the name of the applicant state, the adoption of appropriate confidence-building measures and the procedure for admitting the new state to the United Nations under a provisional name, an integral and indivisible package which alone can resolve the outstanding differences between Greece and the new Republic.

Indeed, the ultimate objective of the matter is the normalization of the relations between Greece and the FYROM. Only if this objective is reached, can peace and stability in our region be assured. Our position regarding the causes of these differences and the means to address and permanently eradicate them are included in the memorandum which we submitted to the Secretary-General on 25 January 1993.

One thing must be clear at the very outset. Together with the resolution of the issue of the name, Greece attaches the highest importance to the adoption and implementation of a set of appropriate confidence-building measures by the new state vis-à-vis Greece. Such measures were already included in the so-called Pinheiro Package which was put together by the Portuguese Presidency of the European Community in the spring of 1992. The CBMs must aim at securing, inter alia:

- Legal and political guarantees that the new state harbours no territorial claims against Greece (which should include amendments of certain provisions of the 1991 Constitution of the FYROM, as references to the "protection" of non-existing minorities in the neighbouring countries of this new Republic), and guarantees of the existing borders by both sides.

- The cessation of all hostile propaganda, particularly acts which could provoke public opinion and impede efforts towards establishing good neighbourly relations.

- The termination of the use of Greek symbols - such as the Sun of Vergina - as symbols of the new Republic. This is of paramount importance to the Greek people.

Finally, since one of the issues for the confidence-building measures is the question of the flag, I should like to underline - as I have done in verbal communications to your distinguished predecessors - that the hoisting and flying at the United Nations of the flag bearing the Sun of Vergina would result in

great damage to the efforts undertaken by the Co-chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and render more difficult, if not defeat, a solution.

I should be grateful to you, Mr. President, if you would bring the serious concerns of my Government to the attention of the Secretary-General so that the problems that might be created by the hoisting of the flag be avoided.

(Signed) Michael PAPACONSTANTINOU
Minister for Foreign Affairs of Greece

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Security Council

Distr.
GENERAL

S/25544
7 April 1993

ORIGINAL: ENGLISH

REPORT OF THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS CONCERNING THE APPLICATION FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS CONTAINED IN DOCUMENT S/25147

1. At the 3195th meeting on 6 April 1993, the Security Council had before it the application for admission to membership in the United Nations contained in document S/25147. In accordance with rule 59 of the provisional rules of procedure of the Security Council and in the absence of a proposal to the contrary, the President of the Council referred the application to the Committee on the Admission of New Members for examination and report.

2. At its 93rd meeting on 7 April 1993, the Committee considered the application and unanimously decided to recommend to the Security Council that the State whose application is contained in document S/25147 should be admitted to membership in the United Nations.

3. The Committee further decided to recommend to the Security Council that it should have recourse to the provision of the last paragraph of rule 60 of its provisional rules of procedure.

4. Accordingly, the Committee recommends to the Security Council the adoption of the following draft resolution:

"The Security Council,

"Having examined the application for admission to the United Nations in document S/25147,

"Noting that the applicant fulfils the criteria for membership in the United Nations laid down in Article 4 of the Charter,

"Noting, however, that a difference has arisen over the name of the State, which needs to be resolved in the interest of the maintenance of peaceful and good neighbourly relations in the region,

"Welcoming the readiness of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, at the request of the Secretary-General, to use their good offices to settle the above-mentioned difference, and to promote confidence-building measures among the parties,

"Taking note of the contents of the letters contained in documents S/25541, S/25542 and S/25543 received from the parties,

"1. Urges the parties to continue to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in order to arrive at a speedy settlement of their difference;

"2. Recommends to the General Assembly that the State whose application is contained in document S/25147 be admitted to membership in the United Nations, this State being provisionally referred to for all purposes within the United Nations as 'the former Yugoslav Republic of Macedonia' pending settlement of the difference that has arisen over the name of the State;

"3. Requests the Secretary-General to report to the Council on the outcome of the initiative taken by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia."

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GENERAL

S/25545
7 April 1993

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

At the 3196th meeting of the Security Council, held on 7 April 1993, in connection with the Council's consideration of the item "Admission of new Members", the President of the Security Council made the following statement on behalf of the members:

"The Security Council has just recommended that the State whose application is in document S/25147 be admitted to membership in the United Nations. It is with great pleasure that, on behalf of the members of the Council, I congratulate the State concerned on this historic occasion. The members of the Council look forward to its early admission to the United Nations.

"The Council welcomes the initiative taken by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, at the request of the Secretary-General, in order to set up a mechanism to settle the difference which has arisen over the name of the State, and to promote confidence-building measures among the two parties. The Council attaches the highest importance to implementing as soon as possible the confidence-building measures referred to in the resolution which has just been adopted. The Council expresses the hope that the initiative of the Co-Chairmen will be pursued expeditiously, that both sides will fully cooperate with the Co-Chairmen, that both sides, and all others concerned, will avoid taking steps that would render a solution more difficult, and that both will accept and implement the outcome. A mutually acceptable solution to these matters would be a major contribution to the maintenance of peaceful and good-neighbourly relations in the region.

"The Council is clear that the reference in the resolution that has just been adopted to "the former Yugoslav Republic" carries no implication whatsoever that the State concerned has any connection with the Federal Republic of Yugoslavia (Serbia and Montenegro). It merely reflects the historic fact that the State recommended for admission to the United Nations in the present resolution was in the past a republic of the former Socialist Federal Republic of Yugoslavia."

93-20368 (E) 070493 070493

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Security Council

Distr.
GENERAL

S/25546
8 April 1993
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 6 APRIL 1993 FROM THE REPRESENTATIVES OF FRANCE, SPAIN AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to bring to your attention, in English and French, the declaration on the former Yugoslavia adopted by the European Community and its member States on 5 April 1993.

We should be grateful if you would have this letter and the annexes thereto circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
Permanent Representative of
France

(Signed) Antonio PEDAUYE
Chargé d'affaires a.i. of the
Permanent Mission of Spain

(Signed) Sir David HANNAY, KCMG
Permanent Representative of the
United Kingdom

Annex

[Original: English/French]

Declaration dated 5 April 1993 on the former Yugoslavia

The Community and its member States express great concern at the reiterated refusal of the Bosnian Serb leaders to sign the Vance/Owen peace plan. They continue to demand that the plan be accepted by all three parties and consequently implemented. To this end, full international pressure is now being put on the Bosnian Serbs and on the authorities in Belgrade. The Community and its member States continue to make sanctions more effective, even further isolating Serbia-Montenegro. In this respect they welcome the decision adopted today by the Extraordinary Council of Ministers of the WEU on measures to strengthen the enforcement of the United Nations embargo on the Danube.

The Bosnian Serbs have repudiated the peace plan. The Community and its member States have repeatedly made it clear (European Council 11-12 December 1992, 1 February 1993) that non-acceptance of the peace plan would have the most severe consequences and would lead to total international isolation of Serbia/Montenegro. It is now time to take concrete steps down that route. The Community and its member States have elaborated a package of possible measures for such a contingency. They therefore welcome the fact that the Security Council is at present dealing with a draft resolution supporting the peace plan and strengthening the sanctions regime, which contains essential elements of the European concept. The Community and its member States trust that the European members of the Security Council will continue their efforts with a view to the adoption, without delay, of a resolution in accordance with this concept.

If the present policies of the Serb side are carried on, the Bosnian Serbs and Serbia-Montenegro will remain isolated for years to come. However, if the Bosnian Serbs accept the peace plan and it is being fully implemented in good faith, this pressure will gradually be lifted, leading to the full readmittance of Serbia-Montenegro to the international community.

The Community and its member States are deeply worried about the humanitarian situation in Bosnia-Herzegovina, especially its eastern part. They strongly demand that Serb attacks stop and that humanitarian assistance immediately be given free access.

The Community and its member States welcome the prolongation of the UNPROFOR mandate. They urge the Croatian Government and the Serbs in Croatia to successfully negotiate a settlement of the disputes between them, based on the principles of the Vance plan.

The Community and its member States, expressing their full support for the international conference, warmly thank Cyrus Vance for his great contribution to it and look forward to cooperating with Thorvald Stoltenberg.

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S/25547
7 April 1993
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 6 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that Armenian armed forces are expanding their offensive in the south-western districts of the Azerbaijani Republic. Besides the districts of Lachin and Kelbajar, and the Nagorny Karabakh region of Azerbaijan, which have been almost completely occupied, Armenian armed formations are conducting wide-scale offensive actions against the south-western districts of my Republic, namely, Kubatly, Zangelan, Djebrail and Fizuli.

In the Fizuli district of Azerbaijan, four villages have already been occupied by Armenian troops. The district centre - the town of Fizuli - is being subjected to uninterrupted rocket and artillery bombardment. Battles are raging in the immediate vicinity of the town, at a distance of 4 to 4 1/2 kilometres. Ninety per cent of the civilian population (approximately 20,000 people) have been forced to leave the town.

In the evening of 5 April, the town of Kubatly was subjected to rocket bombardment from the territory of the Goris district of Armenia. A build-up of troops and matériel can be observed in the Goris district of Armenia on the border with the Kubatly district of Azerbaijan.

In the morning of 6 April, units of the armed forces of Armenia had already started to advance from the Lachin "humanitarian corridor". Consequently, there are grounds to expect a wide-scale offensive action by the army of Armenia against the Kubatly district of Azerbaijan.

The worsening situation has brought about a new wave of refugees, this time from the four south-western districts of Azerbaijan: Kubatly, Zangelan, Djebrail and Fizuli, with a population of 215,000.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan HASSANOV
Ambassador and Permanent Representative

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GENERAL

S/25548
7 April 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 6 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to my letter of 8 March 1993, I have the honour to transmit to you herewith a table showing the 15,636 bombs, shells, rockets and projectiles of various types found and disposed of in all parts of Iraq between 1 and 31 March 1993.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Miscellaneous bombs, shells and rockets dealt with by civil defence disposal teams in all governorates of Iraq, 1-31 March 1993

Number	Governorate	Number
1	Baghdad	7
2	Ninawa	1
3	Basra	331
4	Babil	4
5	Najaf	11
6	Karbala	-
7	Anbar	46
8	Maysan	87
9	Salah al-Din	-
10	Diyala	1
11	Wasit	7
12	Ta'mim	1 500
13	Dhi Qar	16
14	Qadisiyah	-
15	Muthanna	13 626
Total		15 636

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S/25549
7 April 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 6 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to notify you of fresh violations of the provisions of the cease-fire that were committed by the Iranian side during the period 19 February to 24 March 1993.

1. At 1000 hours on 19 February 1993, the Iranian side completed construction of the Iranian post at coordinates 346447, 300 metres from the international boundary line.

2. At 1020 hours on 22 February 1993, the Iranian side manned the new post to the south-east of the Ayn al-Abd post at coordinates 285469 with a force of 10 to 15 troops. A wireless antenna was erected and an Iranian flag hoisted over the post.

3. At 1910 hours on 23 February 1993, a group of individuals from the Iranian side estimated at 12 persons was observed digging slit trenches at coordinates 514501, 500 metres from the international boundary.

4. At 0800 hours on 24 February 1993, the Iranian side proceeded to erect a 6-metre-high metal observation tower at coordinates 563486.

5. At 1040 hours on 26 February 1993, the Iranian side installed an observation cabin on the tower mentioned in paragraph 4 above and it was manned by four military personnel. The tower is 200 metres from the forward perimeter of the Iraqi units.

6. At 1040 hours on 6 March 1993, a khaki-coloured Iranian helicopter was observed coming from the Iranian rear at low altitude towards Majnun al-Janubi at coordinates 548436. It then headed towards the Ghuzayyil area and landed at coordinates 8036. At 1100 hours it returned to the Iranian rear.

7. At 1115 hours on 7 March 1993, a group of an estimated seven Iranians was observed inside the area of separation erecting barbed wire opposite the Iraqi units at coordinates 426576.

8. On 13 March 1993, six Iranian military aircraft penetrated Iraqi airspace and attacked a civilian hospital in the Raniyah area of Iraq causing damage to the hospital and leaving a number of dead and wounded (see document S/25473).

9. At 1230 hours on 14 March 1993, a group of individuals from the Iranian side estimated at five persons was observed carrying out maintenance work on the positions opposite the Fakkah post inside the area of separation at coordinates 517505, 900 metres from the international boundary.

10. At 1150 hours on 24 March 1993, a khaki-coloured Land-Rover pick-up truck was observed coming from the Iranian rear. It came to a halt at coordinates 517506 opposite the Fakkah post. Five Iranian soldiers alighted from it and proceeded to erect a communications station inside the area of separation, 950 metres from the international boundary.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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S/25550
7 April 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 6 APRIL 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that United States aircraft continued their violations of Iraqi airspace for purposes of reconnaissance and provocation during the period 26 to 31 March 1993.

26 March 1993

(a) Northern region: No hostile aerial activity was reported in the northern region on this day.

(b) Southern region: 42 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 7,000 to 9,000 metres, centred over Nasiriyah, Samawah, Basra, Busayyah, Artawi, Jalibah, Khidr and Salman.

27 March 1993

(a) Northern region: 16 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 5,500 to 8,500 metres, centred over Mosul, Irbil, Dohuk, Zakho, Tall Afar and Amadiyah.

(b) Southern region: 63 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,500 metres, centred over Nasiriyah, Samawah, Artawi, Ushbayjah, Jalibah, Salman and Busayyah.

28 March 1993

(a) Northern region: 12 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,500 to 8,000 metres, centred over Mosul, Irbil, Dohuk, Amadiyah, Zakho and Tall Afar.

(b) Southern region: No hostile aerial activity was reported in the southern region on this day.

29 March 1993

(a) Northern region: 30 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 7,500 to 9,000 metres, centred over Zakho, Amadiyah, Dohuk, Mosul, Tall Afar and Irbil.

(b) Southern region: 74 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 7,000 to 9,000 metres, centred over Khidr, Samawah, Nasiriyah, Salman, Ushbayjah, Qal'at Salih, Shatrah and Busayyah.

30 March 1993

(a) Northern region: 24 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 5,500 to 10,000 metres, centred over Mosul, Irbil, Dohuk, Zakho, Tall Afar and Amadiyah.

(b) Southern region: 84 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 10,000 metres, centred over Nasiriyah, Basra, Samawah, Jalibah, Ushbayjah, Amarah, Lasaf and Busayyah.

31 March 1993

(a) Northern region: 26 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 3,500 to 8,000 metres, centred over Mosul, Irbil, Dohuk, Zakho, Tall Afar, the Dukan dam and Amadiyah.

(b) Southern region: 86 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 10,000 metres, centred over Basra, Nasiriyah, Samawah, Salman, the area to the south of Najaf, Qal'at Salih, Ushbayjah and Busayyah.

At 1147 hours on 31 March 1993, a hostile reconnaissance aircraft overflew the city of Basra at an altitude of 20,000 metres, and at 1435 hours it disappeared to the south of the Nukhayb area.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Distr.
GENERAL

S/25551
7 April 1993

ORIGINAL: ENGLISH

LETTER DATED 6 APRIL 1993 FROM THE CHARGE D'AFFAIRES, A.I.
OF THE PERMANENT MISSION OF ITALY TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you the text of a Declaration on the implementation of the United Nations sanctions on the former Yugoslavia, issued by the Western European Union on the occasion of the Council of Ministers which took place in Luxembourg on 5 April 1993.

I would be grateful if the text could be circulated as a document of the Security Council.

(Signed) Mario SCIALOJA
Chargé d'affaires a.i.

Annex

[Original: English/French]

Declaration issued on 5 April 1993 by the Council of Ministers of the Western European Union concerning the implementation of the United Nations sanctions on the former Yugoslavia

1. The WEU Council of Ministers held an extraordinary meeting, following on their discussions in Rome in November 1992, to discuss this crucial phase of the situation in former Yugoslavia and in particular the conflict in Bosnia-Herzegovina. Representatives of Bulgaria, Hungary and Romania, the CSCE Presidency, the CSCE Sanctions Coordinator and the EC Commission attended, as observers, this meeting which was devoted to sanctions implementation on the Danube. Representatives of the EC Presidency and the Secretary-General of NATO also attended as observers.

2. With a view to supporting the efforts of the European Community, the United Nations and the International Conference on Former Yugoslavia at this decisive stage of the negotiations aiming at the acceptance of the Vance-Owen Peace Plan by all parties in Bosnia-Herzegovina, Ministers reaffirmed their determination to contribute significantly to the implementation of the provisions of the United Nations Security Council resolutions 787, 757 and 713 and of the measures contained in those resolutions.

3. Ministers welcomed the efforts of the riparian States to meet their obligations under the above-mentioned United Nations Security Council resolutions but noted with concern that, despite these efforts, sanctions enforcement on the Danube still required strengthening.

4. WEU Ministers therefore offered their concrete support to the riparian States by means of the organization of a police and customs operation on the Danube to which WEU countries would contribute appropriate resources. This offer is based on three guiding principles - that the operation will be:

- Based on relevant United Nations Security Council resolutions, in particular resolution 787 of 16 November 1992, in connection with resolutions 713 and 757;

- An extension of efforts already being deployed by the CSCE and the European Community and its member States;

- In support of the riparian States responsible for adopting the requisite measures to ensure compliance with the embargo on the Danube.

5. WEU Ministers welcomed the support given by the CSCE to the WEU plan and looked forward to the effective coordination of the EC, CSCE and WEU efforts to enforce United Nations Security Council resolutions.

6. The organization of the police and customs operation offered by WEU would be based on a system of coordinated control areas upstream and downstream of the

Serbian border with the aim of ensuring the effective implementation of the embargo on the Danube. This would involve joint teams of police and customs officers from WEU countries and the riparian States operating from fast patrol boats to carry out additional controls in support of those of the riparian States.

7. The WEU Council of Ministers welcomed the support given by the riparian States and looked forward to further consultations on this issue. They hoped that the police and customs operation could start as soon as possible in order to ensure the full implementation of the relevant United Nations Security Council resolutions and thus to make a positive contribution to reaching a solution to the crisis in former Yugoslavia, in full complementarity with the peace process which is being pursued in other forums.

S/25552

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General Assembly Security Council

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A/48/131
S/25552
7 April 1993
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-eighth session
Item 71 of the provisional agenda*
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Forty-eighth year

Letter dated 7 April 1993 from the Permanent Representative of Costa Rica addressed to the Secretary-General

I have the honour to send you the attached Declaration of the Government of Costa Rica relating to the resolution adopted on 1 April by the Board of Governors of the International Atomic Energy Agency, which agreed to report to the United Nations Security Council the refusal of the Democratic People's Republic of Korea to permit nuclear inspection and its failure to comply with the nuclear safeguards agreement.

I would be very grateful if you could arrange to have this document circulated as an official document of the General Assembly under item 71 of the provisional agenda, and of the Security Council.

(Signed) Cristian TATTENBACH
Ambassador
Permanent Representative

* A/48/50.

ANNEX

Declaration of the Government of Costa Rica

"The Government of Costa Rica urges North Korea to agree to nuclear inspection by the International Atomic Energy Agency and to revoke its decision to withdraw from the Nuclear Non-Proliferation Treaty as soon as possible in recognition of the fact that that is the wish of the international community."